

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA
LLC, F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484-BHL

FILED UNDER SEAL

DECLARATION OF ISABELLA SALOMÃO NASCIMENTO

I, Isabella Salomão Nascimento, under penalty of perjury and subject to 28 U.S.C. § 1746, declare as follows:

1. I am one of the attorneys for Defendant Netflix, Inc., in the above-captioned action. I have personal knowledge of the matters set forth herein. I make this declaration in support of Netflix's Motion to Compel Production of Documents Responsive to Subpoena to Michael Griesbach (Dkt. 206).

2. Netflix submits this declaration with the attached documents, which show that Mr. Griesbach is in possession of non-privileged communications relating to the issues in this case.

3. In the course of discovery, Netflix learned that Plaintiff Andrew Colborn worked closely with two individuals, Brenda Schuler and Shawn Rech of Transitions Studios LLC, in

connection with the production of documentary called *Convicting a Murderer*, which is a “counter-documentary” to *Making a Murderer*.

4. Attached hereto as Exhibit 1 is a true and correct copy of a document produced in discovery by Plaintiff Andrew Colborn bates stamped COLBORN-004888. This document is the Release signed by Mr. Colborn to appear in *Convicting a Murderer*.

5. Documents produced by Mr. Colborn after Netflix filed the instant Motion and its opening memorandum of law also show that Ms. Schuler worked closely with Mr. Colborn’s litigation team, including Mr. Griesbach, on strategy related to this lawsuit both before and after Mr. Colborn commenced litigation.

6. Attached hereto as Exhibit 2 is a true and correct copy of a document produced by Plaintiff Andrew Colborn bates stamped COLBORN-004593. This document memorializes an email exchange between Mr. Griesbach and Ms. Schuler, in which Mr. Griesbach seeks Ms. Schuler’s revisions on Mr. Colborn’s complaint initiating this action.

7. Ms. Schuler also assisted Mr. Colborn’s legal team by providing to his counsel, including Mr. Griesbach, information gathered in the course of the production of *Convicting a Murderer* that is relevant to the claims at issue in this lawsuit.

8. For example, attached hereto as Exhibits 3 and 4 are true and correct copies of documents produced by Plaintiff Andrew Colborn bates stamped COLBORN-002807 and COLBORN-004611, respectively. These documents memorialize email exchanges between Mr. Griesbach and Ms. Schuler, among others from Mr. Colborn’s litigation team, in which Ms. Schuler indicates she will provide “examples” of *Making a Murderer*’s alleged editing which she had compiled “to give you guys an idea of what they did,” *see, e.g.*, COLBORN-004612, and references discussions with Mr. Colborn and others from the Manitowoc County Sheriff’s

Department she had “in great detail” in the course of making *Convicting a Murderer*, see, e.g., COLBORN-002807.

9. Finally, attached hereto as Exhibit 5 is a true and correct copy of a document produced by Plaintiff Andrew Colborn bates stamped COLBORN-004649. This document memorializes an email exchange between Mr. Griesbach, Mr. Colborn, and Ms. Schuler.

10. In this email exchange, Ms. Schuler indicates a need to “get in [sic] the same page here with [Mr. Colborn]’s contract with [*Convicting a Murderer*],” that “we need him to be exclusive to CAM,” and that Mr. Colborn “will have a shit ton of interviews that he can talk all he wants after” *Convicting a Murderer* is released. See, e.g., COLBORN-004650-52. This is relevant to the instant case because it goes to whether and how Mr. Colborn mitigated the damages he says Defendants caused to his reputation.

11. The exchange similarly acknowledges that documentaries and their makers have, and are entitled to, their own perspectives. For example, Ms. Schuler describes that “Shawn [Rech] will humanize the hell out of” Mr. Colborn, in response to Mr. Griesbach’s expressed desire for Mr. Colborn to work with a reporter “to give readers an idea of what you’re like in order to ‘humanize’ you for people who only know you from MAM.” See COLBORN-004652-53.

12. This exchange also references non-privileged documents in Mr. Griesbach’s possession, such as an attachment containing the reporter’s “questions and [Mr. Griesbach’s] replies” about Mr. Colborn, which is further relevant to questions regarding Mr. Colborn’s mitigation of damages. See, e.g., COLBORN-004653.

13. Netflix believes that Mr. Griesbach is likely in possession, custody, or control of other emails like those referenced herein and that such emails are subject to discovery for the reasons explained in Netflix's initial memorandum and reply brief.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 26, 2022

/s/ Isabella Salomão Nascimento
Isabella Salomão Nascimento